UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,553	08/17/2000	YI-MIN WANG	1018.050US3	6337

22971	7590	08/12/2005

MICROSOFT CORPORATION
ATTN: PATENT GROUP DOCKETING DEPARTMENT
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER
BAROT, BHARAT

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/641,553	WANG ET AL.
	Examiner	Art Unit	
	Bharat N. Barot	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 May 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7,8,10,13 and 18-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>7,8,10,13 and 18-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6)☐ Other: _____ .

RESPONSE TO AMENDMENT

1.   Claims 7-8, 10, 13, and 18-31 remain for further examination.

The old rejection maintained

2.   Applicant's arguments with respect to claims 7-8, 10, 13, and 18-31 filed on May

11, 2005 have been fully considered but they are not deemed to be persuasive for the

claims 7-8, 10, 13, and 18-31. The rejection is respectfully maintained as set forth in the

last Office Action mailed on January 26, 2005.

Claim Rejections - 35 USC § 102(e)

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

4.   Claims 7-8, 20-21, 25-26, 28, and 31 are rejected under 35 U.S.C. 102(e) as

being anticipated by Margulis et al (U.S. Patent No. 6,223,149).

5.   Margulis teaches the invention as claimed including a redundant organization of

Lan Emulation Servers (see abstract).

6.   As to claim 7, Margulis teaches a distributed system including a plurality of

redundant components, a method for performance by a node first redundant component

(figure 3), comprising: transmitting information particular to the first component to other

components in the plurality of components, the information relating to one or more

criteria according to which a currently-active leader component is to be determined

(figure 4; and column 7 line 65 to column 8 line 14, LESS initializes by attempting to

establish connections to all LES, one of the LES is made the active); receiving

information from the other components particular to the other components and relating

to the one or more criteria by according to which the currently-active leader node

component is to be determined (column 8 lines 15-37; and column 9 lines 15-24, each

LES having one or more LECS connected to it periodically sends an active LEC

message informing them that at least one LECS has chosen it to be the active LES);

and determining whether tie first participant is the currently-active leader component by

comparing the information particular to the first component with the information

particular to the other components (column 8 lines 15-37, the LES is periodically

contacted to confirm that is the currently active LES), wherein if the first component

determines that it is not the currently-active leader component the first component does

not know which component of the other components is the currently-active leader

component (columns 7-9, Margulis discloses that the LES does not know which other

LES is currently active leader component).

7.   As to claim 8, Margulis teaches that the periodically repeating the method

(column 8 lines 15-37; and column 9 lines 15-24).

8.   Claims 20-21 do not teach or define any new limitations beside above claims 7-8;

therefore, the claims 20-21 are also rejected for the same reasons set forth to rejecting

claims 7-8 above.

9.   As to claims 25-26, 29, and 31, Margulis teaches the method of claim 20 above

wherein the redundant components are redundant instances of a daemon, wherein the

daemon is a system management daemon, wherein the redundant components are

redundant executing processes, and wherein the redundant components are redundant

nodes in a network (columns 7-9).

Claim Rejections - 35 USC § 103(a)

10.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

11.   Claims 10, 13, 18-19, 22-24, 27, and 29-30 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Margulis et al (U.S. Patent No. 6,223,149).

12.   Margulis teaches the invention substantially as claimed including a redundant

organization of Lan Emulation Servers (see abstract).

13.   As to claim 10, Margulis teaches that the transmitting the information particular to

the first component comprises transmitting priority information particular to the first

component, and the receiving the information particular to the other components

comprises receiving priority information particular to the other components (column 8

line 49 to column 9 line 45, Margulis discloses that upon a split or re-synch, the node

with the highest priority or the node with which a connection was up last is chosen).

Margulis fails to teach the claimed limitation of age information. Margulis does teach

that the node with which the connection was longest is chosen as the currently active

component (column 8 line 49 to column 9 line 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Margulis by specifying the priority information as age information since the

same functionality of choosing the node with the longest recent connection is achieved.

14.   As to claim 13, Margulis teaches a system comprising: a plurality of redundant

components; and the currently active leader component elected from the plurality of

redundant components by way of a high priority election approach (columns 7-11).

Margulis does not explicitly teach the limitation of a weak leader election approach.

Margulis does teach that the node with which the connection was longest is chosen as

the currently active component (column 8 line 49 to column 9 line 45).

It would have been obvious to one of ordinary skill in the ad at the time of the invention

to modify Margulis by specifying the priority election approach as a weak leader election

approach since the same functionality of choosing the node with the longest recent connection or highest priority is achieved.

15.   As to claim 18, Margulis teaches that the determining whether the first component is the currently active leader component comprises determining whether the first component is an oldest component (column 8 line 49 to column 9 line 45).

16.   As to claim 19, Margulis teaches that the currently active leader component elected by way of the weak leader election approach comprises an oldest component in the plurality of components (column 8 line 66 to column 9 line 45).

17.   Claims 22-24 do not teach or define any new limitations beside above claims 10, 13, and 18-19; therefore, the claims 22-24 are also rejected for the same reasons set forth to rejecting claims 10, 13, and 18-19 above.

18.   As to claims 27 and 29-30, Margulis teaches the method of claim 25. Margulis fails to teach the limitation wherein the daemon is a power line monitoring daemon, wherein the redundant components are class objects, wherein the redundant components are redundant devices in an automation system.
However, "Official Notice" is taken that the concept and advantages of using daemon processes or agent processes to monitor a power line, wherein the redundant

components are class objects, wherein the redundant components are redundant

devices in an automation system are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Margulis by specifying a power line monitoring daemon, class objects,

wherein the redundant components are redundant devices in an automation system to

provide back up in case of network failure.

Response to Arguments

19.   Applicant's arguments with respect to claims 7-8, 10, 13, and 18-31 filed on May

11, 2005 have been fully considered but they are not deemed to be persuasive for the

claims 7-8, 10, 13, and 18-31.

20.   In the remarks, the applicant argues that:

(A)   Argument: The first component recited in claim 7 is not taught or suggest by

Margulis.

       Response: The combination of LECS and LES explicitly teaches and suggests

the first component performing the steps of: transmitting, receiving, and determining

(figures 3-6; and columns 7-9).

Margulis discloses that the LES does not know which other LES is currently active

leader component (columns 7-9), which implies that the first component does not know

which component of the other components is the currently-active leader component.

(B)   Argument: Margulis does not teach exchanging the currently active leader election criteria information.

Response: Margulis explicitly teaches the step of exchanging the currently active leader election criteria information (priority information) (figures 3-4; and column 7 line 10 to column 8 line 37).

(C)   Argument: Margulis does not teach choosing the next active leader via age information and weak leader election approach.

Response: Margulis explicitly teaches that the node with which the connection was longest is chosen as the currently active component (column 8 line 49 to column 9 line 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying the priority information as age information or as a weak leader election approach since the same functionality of choosing the node with the longest recent connection or highest priority is achieved.

(D)   Argument: Additionally, Applicant respectfully disagrees that the concepts and advantages of using daemon processes or agent processes to monitor a power line would have been obvious to one of ordinary skill in the art.

Response: "Official Notice" is taken that the concept and advantages of using daemon processes or agent processes to monitor a power line, wherein the redundant components are class objects, wherein the redundant components are redundant devices in an automation system are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying a power line monitoring daemon, class objects, wherein the redundant components are redundant devices in an automation system to provide back up in case of network failure. For suggestion see column 1 lines 53-56, column 2 lines 2-4; and column 8 line 66 to column 9 line 49).

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

22.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Bharat Barot.

BHARAT BAROT
PRIMARY EXAMINER

Patent Examiner Bharat Barot

Art Unit 2155

August 05, 2005